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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixtieth session
16 February-6 March 2015
Item 6 of the provisional agenda*
Implementation of articles 21 and 22 of the Convention

Reports by the specialized agencies on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women in areas falling within the scope of their activities

Report by the International Labour Office**

Summary

In accordance with article 22 of the Convention on the Elimination of All Forms of Discrimination against Women, the specialized agencies of the United Nations have been invited to submit to the Committee on the Elimination of Discrimination against Women, at its sixtieth session, reports on the implementation of the Convention in areas falling within the scope of their activities.

* CEDAW/C/60/1.

** This document was submitted late due to delayed inputs from other sources.

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I. Introduction

1. The provisions of article 11 of the Convention on the Elimination of All Forms of Discrimination against Women are dealt with in a number of conventions of the International Labour Organization (ILO). Of the 189 conventions adopted to date, the information herein relates principally to the following:

- Equal Remuneration Convention, 1951 (No. 100), which has been ratified by 171 member States
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which has been ratified by 172 member States
- Workers with Family Responsibilities Convention, 1981 (No. 156), which has been ratified by 43 member States

2. Where applicable, reference is made to a number of other conventions that are relevant to the employment of women:

Forced labour

- Forced Labour Convention, 1930 (No. 29)
- Abolition of Forced Labour Convention, 1957 (No. 105)

Child labour

- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labour Convention, 1999 (No. 182)

Freedom of association

- Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
- Right to Organize and Collective Bargaining Convention, 1949 (No. 98)

Employment policy

- Employment Policy Convention, 1964 (No. 122)
- Human Resources Development Convention, 1975 (No. 142)

Maternity protection

- Maternity Protection Convention, 1919 (No. 3)
- Maternity Protection Convention (Revised), 1952 (No. 103)
- Maternity Protection Convention, 2000 (No. 183)

Night work

- Night Work (Women) Convention (Revised), 1948 (No. 89) and its Protocol of 1990
- Night Work Convention, 1990 (No. 171)

Underground work

- Underground Work (Women) Convention, 1935 (No. 45)

Migrant workers

- Migration for Employment Convention (Revised), 1949 (No. 97)
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

Indigenous peoples

- Indigenous and Tribal Peoples Convention, 1989 (No. 169)

Part-time work

- Part-Time Work Convention, 1994 (No. 175)

Home work

- Home Work Convention, 1996 (No. 177)

Domestic workers

- Domestic Workers Convention, 2011 (No. 189)

3. The application of ratified conventions is supervised by the ILO Committee of Experts on the Application of Conventions and Recommendations, a body of independent experts from around the world, which meets annually. The information submitted in section II of the present report consists of summaries of observations and direct requests made by the Committee. Observations are comments published in the Committee's annual report, produced in English, French and Spanish, and are submitted to the Committee on the Application of Standards of the International Labour Conference. Direct requests, produced in English and French, and in the case of Spanish-speaking countries, also in Spanish, are not published in book form, but are made public. At a later date, they are published on the ILO database of supervisory activities, NORMLEX.

4. The information below sets out brief references to the much more detailed comments made by the ILO supervisory bodies. The relevant comments of the Committee of Experts referred to in section II can be found at www.ilo.org/dyn/normlex/en/.

5. It will be noted that, in its own comments, the Committee of Experts often includes references to the information submitted by Governments to the Committee on the Elimination of Discrimination against Women or to the other United Nations treaty bodies, as well as to reports issued by those bodies.

II. Indications concerning the situation of individual countries

Azerbaijan

6. Among the relevant ILO conventions, Azerbaijan has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 98, 105, 122, 138, 142, 182 and 183.

Comments made by the supervisory bodies of the International Labour Organization

7. The pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Convention No. 100

8. In its observation in 2012, the Committee recalled that the general provisions of sections 16, 154 and 158 of the Labour Code of 1999 did not address the principle of equal remuneration for men and women for work of equal value and that section 9 of Gender Equality Act No. 150-IIIQ of 10 October 2006 did not fully reflect that principle. Section 9 was limited to equal wages for men and women who performed work under equal conditions, in the same enterprise and with the same skills. With respect to average wages, according to the statistics for 2011 provided by the Government, women were earning significantly less than men in many sectors of the economy: 38.4 per cent less in oil and gas production; 35.1 per cent less in health care and social services; and 30.8 per cent less in the chemical industry. The Committee also recalled the existence of significant horizontal and vertical occupational gender segregation within the labour market. The Committee urged the Government to take the measures necessary to give full legislative expression to the principle of equal remuneration for men and women for work of equal value and to address the wide gender remuneration gap effectively.

9. In its direct request in 2012, the Committee again asked the Government to provide information on the activities carried out by the social partners to give effect to the principle of equal remuneration for men and women for work of equal value. The Committee also noted the Government's indication that, over the past 10 years, the State labour inspectorate had found no cases of gender-based discrimination.

Convention No. 111

10. In its observation in 2012, the Committee noted that, following the adoption of Law No. 424-IIIQD of 1 October 2007, which provided that, except for cases provided for in legislation, the advertisement of a competition for the representatives of one gender only was prohibited, section 50 (2) of the Labour Code had been amended on 17 May 2009 to include the same prohibition. According to the Government, both of those provisions were in line with section 10 of the Gender Equality Act. The Committee also noted the Government's indication that the Constitution had been amended on 18 March 2009 to include a provision specifying that people could not be subject to harm, nor granted or denied benefits or privileges on various specified grounds (sect. 25 (4)), including their sex.

11. The Committee had been raising concerns for a number of years about the exclusion of women from certain occupations, pursuant to decision No. 170 of

20 October 1999, made under section 241 of the Labour Code. Noting the Government's indication that efforts were being made to repeal the list under that decision, the Committee urged the Government to repeal the list and to ensure that any measures limiting women's employment were strictly limited to maternity-related protection.

12. The Committee recalled the adoption of a State programme on the implementation of the Employment Strategy for 2007-2010 setting out the strategy to address issues regarding the employment of women and to provide gender equality in employment. It noted that, in accordance with the ILO decent work country programme, which aimed at enhancing self-employment opportunities for women and involving them in entrepreneurship activities, the programme on Women Entrepreneurship Development and Gender Equality had been implemented. The Committee asked the Government to provide specific information on progress made with the implementation of the measures taken to promote gender equality within the framework of the decent work country programme, and on the impact of such measures, including under the programme on Women Entrepreneurship Development and Gender Equality.

13. The Committee also recalled the significant horizontal and vertical gender segregation in the labour market, and the Government's explanation that management roles were not assumed by women because of their family responsibilities. The Committee noted the Government's indication that, in 2011, the State employment service had enabled 4,299 persons, including 2,039 women, to undertake vocational training. The Committee asked the Government to take concrete action to address the horizontal and vertical gender segregation in the labour market and to improve the participation rates of women in those economic sectors and occupations in which they were underrepresented, including through their participation in a wider range of vocational training courses leading to employment with opportunities for advancement and promotion.

14. In its direct request in 2012, the Committee recalled that the Gender Equality Act prohibited sexual harassment (sect. 4) and provided for the implementation of measures to prevent gender-based discrimination and sexual harassment (sect. 7.2.5), and that section 31 of the Labour Code of 1999 provided for measures taken by parties to collective agreements with a view to preventing sexual harassment at work. The Committee noted the Government's indication that the Labour Code had been amended and currently provided for the obligation of employers to take the measures necessary to prevent gender-based discrimination and sexual harassment (sect. 12 (1)), including rendering the employer liable for the harm which workers suffered in cases of sexual harassment (sect. 195). The Committee also noted the Government's indication that the comprehensive programme to combat day-to-day violence adopted on 25 January 2007 included draft proposals to strengthen inspections by the State labour inspectorate to ensure compliance with legislation concerning the prevention of violations of a sexual nature, as well as other acts that degraded workers. The Committee asked the Government to provide information on any measures taken by the workers' and employers' organizations or by the Government itself to prevent and address sexual harassment in the workplace, including specific examples of awareness-raising activities that had been carried out, and the results thereof.

Convention No. 183

15. In its direct request in 2013, the Committee requested the Government to provide detailed information on the types of medical care provided to women during pregnancy, birth and the post-partum period, as well as the eligibility conditions and the conditions covering the cost of care.

16. The Committee noted that, pursuant to section 6 of the Social Insurance Act, women who had been contributing to national social insurance for less than six months were not entitled to paid maternity leave. In the light of the Government's statement that, in 2011, the Ministry of Labour and Social Protection had presented a proposal to the Cabinet ministers to repeal that provision, the Committee requested to know whether that proposal had been adopted.

17. The Government indicated in its report that a bill on amendments and additions to the Labour Code had been drafted and provided for a separate room within or near the workplace to be used as a crèche and for breastfeeding. The Committee requested to know whether that bill had been passed.

Other conventions

18. The Government's most recent reports on Conventions Nos. 138 and 182 were received and were examined by the Committee of Experts at its session in November-December 2014.

19. New reports on Conventions Nos. 29, 105 and 122 have been received and will be examined by the Committee at its session in November-December 2015.

20. The Government has been requested to submit its reports on Conventions Nos. 45, 100 and 111, which are due for review by the Committee at the same session.

Denmark

21. Among the relevant ILO conventions, Denmark has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 98, 105, 122, 138, 142, 169 and 182.

Comments made by the supervisory bodies of the International Labour Organization

22. The pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Convention No. 100

23. In its direct request in 2012, the Committee noted from the Government's report that, in 2009, women earned on average 18 to 20 per cent less than men and that the gender pay gaps in the State and local civil services and in the private sector had remained approximately unchanged for the past 15 years. The Government reiterated its explanation of the underlying causes of those differentials and stated that the gender pay gap could, to a large extent, be explained by the gender segregation of the labour market, which manifested itself through a higher representation of women in the public sector (7 out of 10 public employees), a

higher proportion of female part-time workers (37 per cent in comparison with 14 per cent of men), longer and more numerous career breaks and an underrepresentation of women in executive positions (3 out of 10 managers). The Committee noted from the website of the Ministry of Employment and Equality that only two thirds of the enterprises covered by the legislation produced sex-disaggregated statistics on pay or equal pay reports and that poor knowledge of the legislation and failure to acknowledge and address gender pay gap in enterprises explained, to some extent, the lack of compliance.

24. The Government indicated that, to date, no measures had been taken to develop objective job evaluation methods, nor was any action envisaged in that regard. It also indicated that, as a consequence of the direct implementation of Act No. 899 of 2008 on equal pay to men and women through collective agreements, cases of pay discrimination based on sex could be referred to the labour courts. The Committee further noted that the Confederation of Danish Industry and the Central Organization of Industrial Employees had established in June 2011 an equal pay tribunal empowered to hear cases of pay inequality based on sex. The Committee also noted from the equal pay review of 2010 that the social partners remained very active in promoting the principle of equal remuneration for men and women for work of equal value by making recommendations, providing training sessions, organizing seminars and forums, and disseminating information on equal pay.

25. The Committee noted the Government's indication that the Charter for More Women in Management had thus far been signed by 115 companies in both the private and public sectors. It also noted that the Ministry of Employment and Equality had funded a study aimed at identifying and evaluating cultural barriers preventing women from accessing managerial positions in large companies. According to the study findings published in 2011, corporate culture played a key role in fostering access to executive positions. The Committee asked the Government to collect and provide information on the results achieved through the implementation of the Charter and on any other initiatives taken, in cooperation with the social partners, with a view to reducing differentials between men and women.

26. The Committee noted the Wage Commission's report on wages, gender, education and flexibility of 2010, which had revealed a sliding gender division effect, i.e. that women and men with the same training and in the same field of work often ended up performing different tasks. The Committee asked the Government to provide more information on the recommendations of the Commission and on any measures taken or envisaged to narrow the gender pay gap and address occupational gender segregation in the labour market, and on the impact of such measures.

Convention No. 111

27. In its direct request in 2012, the Committee noted with interest the adoption of Act No. 645 of 8 June 2011 on Equal Treatment between Men and Women in Employment, which repealed Act No. 734 of 28 June 2006 while replicating its provisions. In its section 18, the Act also incorporated the amendments introduced with Act No. 182 of 8 March 2011 to implement directive 2006/54/EC. The Act provided that the Danish Centre for International Studies and Human Rights was to develop, evaluate, monitor and support equal treatment of women and men, notably by assisting victims of gender discrimination in pursuing their complaints. The

Committee asked the Government to provide information on the application of the anti-discrimination legislation, including any cases of sex discrimination brought before the courts or the Board of Equal Treatment with the help of the Danish Centre for International Studies and Human Rights, and the results thereof.

28. The Committee noted the statistics provided in the Government's report that showed that, in 2009, a total of 19 alleged cases of discrimination based on pregnancy and childbirth had been referred to either the courts or the Board of Equal Treatment, out of which 15 had been considered well-founded. In 2010, the same courts and the Board had found a breach of the equal treatment legislation on the same grounds in 29 of the 46 cases that they had dealt with. The Committee reiterated its request that the Government examine, in cooperation with the social partners, whether there was a need for further action to prevent and eliminate discrimination on grounds of pregnancy or maternity leave.

Other conventions

29. The Government's most recent reports on Conventions Nos. 29, 105, 138 and 182 were received and were examined by the Committee of Experts at its session in November-December 2014.

30. A new report on Convention No. 122 has been received and will be examined by the Committee at its session in November-December 2015.

31. The Government has been requested to submit its reports on Conventions Nos. 100 and 111, which are due for review by the Committee at the same session.

Ecuador

32. Among the relevant ILO conventions, Ecuador has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 97, 98, 103, 105, 122, 138, 142, 169, 182 and 189.

Comments made by the supervisory bodies of the International Labour Organization

33. The pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Convention No. 97

34. In its direct request in 2013, the Committee noted the significant number of women workers who emigrated from Ecuador. Consequently, it requested the Government to provide information on the specific measures adopted to ensure that those women also benefited from the rights set out in the Convention. In particular, the Committee requested the Government to provide the information available on the living and working conditions of women migrant workers and the difficulties that they encountered. The Committee also asked the Government to indicate how the issue of equality between men and women had been introduced into migration policies.

35. The Committee also requested the Government to provide information on assistance and information services addressing issues that affected female migrant

workers in particular, including those related to misleading information about employment opportunities and conditions of work.

Convention No. 100

36. In its observation in 2013, the Committee recalled that it had been referring for a number of years to the need to amend section 79 of the Labour Code, which provided for equal remuneration for equal work and was more restrictive than the principle of equal value. The Committee urged the Government, within the framework of the reform of the Labour Code, to amend section 79 so as to give full expression to the principle of equal remuneration for men and women for work of equal value. The Committee encouraged the Government to request technical assistance from ILO in that regard.

Convention No. 103

37. In its direct request in 2011 (repeated in 2013), the Committee noted that the Ecuadorian Social Security Institute was required to provide maternity benefits to all insured persons who complied with the conditions set out in the law. The Committee requested the Government to indicate the benefits that would be received by women who failed to qualify as a matter of right for the benefits provided by the Institute, and whose employers were in arrears with the payment of contributions.

38. In addition, the Committee urged the Government to supplement subsection 3 of section 155 of the Labour Code, under which women who were nursing their child would benefit from a working day of six hours, by specifying that that reduced working day would be counted as a full working day and remunerated accordingly. The Committee asked the Government to include in its next report information on the provisions respecting the burden of proof in the event of the dismissal of women during their maternity leave, and on the interpretations given by national courts in relation to the application of section 153 of the Labour Code.

Convention No. 111

39. In its observation in 2013, the Committee requested the Government to take the measures necessary to repeal section 17 (b) of the regulations issued under the Cooperatives Act, pursuant to which married women required the authorization of their husbands to be members of agricultural housing and family vegetable garden cooperatives.

40. The Committee recalled that sexual harassment was addressed only under the Penal Code and it invited the Government to take appropriate legislative measures to define and prohibit sexual harassment in employment and occupation. The Committee also asked the Government to consider including a requirement for employers to adopt measures to prevent sexual harassment in the enterprise and to provide information on any other measures adopted to prevent sexual harassment.

41. In its direct request in 2013, the Committee noted that the Constitution adopted in 2008 established national equality councils responsible for ensuring the preparation, observance, monitoring and evaluation of public policies relating to gender, ethnic, generational, intercultural and disability issues. Those councils were to coordinate their work with the specialized national agencies. The Committee also

noted the National Plan for Good Living 2009-2013, one of the objectives of which was to promote equality without discrimination on the basis of sex, ethnic origin, social level, religion, sexual orientation or place of origin. The Committee requested the Government to provide information on the establishment of national equality councils and their areas of competence, as well as on the difficulties encountered in the discharge of their functions.

42. The Committee noted that the Constitution also provided that the State must promote the equal representation of women and men in the public service, in its managerial and decision-making bodies and in political parties and movements. Article 70 provided that the State must declare and pursue policies for the achievement of equality for women and men through a specialized mechanism, and must incorporate gender mainstreaming in plans and programmes. The National Plan for Good Living 2009-2013 also called for gender equality and the basic act on citizens' participation provided for gender parity through affirmative action. The Government had provided data on the increase in recent years of the participation of women in public life and in positions elected by popular vote. The Committee asked the Government to indicate how national equality councils contributed to gender equality and the access of women to employment.

Other conventions

43. The Government's most recent reports on Conventions Nos. 29, 87, 98, 103, 105, 122, 138, 142, 169 and 182 were received and were examined by the Committee of Experts at its session in November-December 2014.

44. The Government has been requested to submit its reports on Conventions Nos. 45, 100, 111 and 189 (first report), which are due for review by the Committee at its session in November-December 2015.

Eritrea

45. Among the relevant ILO conventions, Eritrea has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 98, 105 and 138.

Comments made by the supervisory bodies of the International Labour Organization

46. The pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Convention No. 100

47. In its direct request in 2012, noting that the Labour Proclamation was under revision and that the definition of remuneration provided in section 3 (15) was narrower than the definition under the Convention, the Committee asked the Government to ensure that the revision encompassed all components of remuneration and to indicate how it was ensured in practice that discrimination in remuneration between men and women did not occur for the types of remuneration currently excluded from the coverage of the Labour Proclamation.

48. The Committee asked the Government to take concrete steps to amend the Labour Proclamation, which provided for non-discrimination in remuneration based

on sex but did not encompass the concept of equal value, so as to give full legislative expression to the principle under the Convention.

49. The Committee asked the Government to ensure that the principle of equal remuneration for men and women for work of equal value was incorporated into the final text of the civil service proclamation. It also asked the Government to provide more detailed information on the completed job evaluation process and the classification of positions currently carried out, including indications on how it had been ensured that rates of remuneration were established without discrimination based on sex.

Convention No. 111

50. In its direct request in 2012, the Committee asked the Government to adopt measures to provide effective protection against discrimination in employment and occupation for domestic workers to which the Labour Proclamation did not apply. Noting that the National Gender Action Plan for the period 2003-2008 provided for the economic empowerment, education and training of women, the Committee also asked the Government to indicate whether the Plan had been updated and to provide information on the contents of any national equality policy. It further asked the Government to provide information on the practical measures to promote effectively equality of opportunity and treatment of men and women in respect of access to education, vocational training, employment and particular occupations, including self-employment.

Other conventions

51. The Government's most recent reports on Conventions Nos. 29, 87, 98, 105 and 138 were received and were examined by the Committee of Experts at its session in November-December 2014.

52. The Government has been requested to submit its reports on Conventions Nos. 100 and 111, which are due for review by the Committee at its session in November-December 2015.

Gabon

53. Among the relevant ILO conventions, Gabon has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 3, 29, 45, 87, 98, 105, 138 and 182.

Comments made by the supervisory bodies of the International Labour Organization

54. The pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Convention No. 3

55. In its direct request in 2013, the Committee noted that the Government had reiterated its intention of introducing, in the context of the bill to amend the Labour Code, a compulsory period of postnatal maternity leave of at least six weeks to ensure that, as a result of pressure or any offer of material gain that might be

proposed, women would not be induced to return to work before the end of the statutory period of postnatal leave, to the detriment of their health or that of their child. The Committee pointed out that it had been drawing the Government's attention to that matter for many years and expressed the hope that, in its next report, the Government would give an account of progress made in bringing the national legislation fully into line with the Convention.

Convention No. 100

56. In its direct request in 2013, the Committee pointed out that the Labour Code, as amended in February 2010, introduced the notion of work of equal value, while retaining the old provisions that referred to equal pay in equal conditions of work, qualification and output for all workers, irrespective of their origin, opinion, sex and age. Recalling the risk of confusion arising from the juxtaposition of those provisions, the Committee requested the Government to provide information on the measures taken to amend the Labour Code so that it would fully reflect the principle of the Convention.

57. Having previously pointed out that the adoption of gender-neutral pay scales was not enough to eliminate all wage discrimination and emphasizing that such discrimination could also arise from the criteria used to classify jobs and from an undervaluation of tasks that were largely performed by women, the Committee renewed its request for information on how the principle of equal remuneration for men and women for work of equal value was taken into account by the social partners in wage bargaining. It again asked the Government to indicate whether there was to be an objective evaluation of jobs based on the tasks involved when wage rates were fixed.

58. The Committee encouraged the Government to pursue and step up activities for training and awareness-raising on the principle of equal remuneration for men and women for work of equal value. It also asked the Government to provide information on any complaint of wage discrimination between men and women dealt with by labour inspectors or the courts.

59. The Committee observed that the data provided did not allow an assessment of the situation. Noting that a national statistics system was to be created and organized, it requested the Government to take the steps necessary to collect and analyse data on men's and women's earnings by sector of activity, occupation and level of employment in the public and private sectors.

Convention No. 111

60. In its direct request in 2013, the Committee noted several provisions that discriminated against women, set out in sections 253 (the husband was the head of family), 254 (the husband determined the place of family residence) and 261 (the exercise of an occupation by women) of the Civil Code, which, in practice, could create obstacles to the employment of women. The Committee noted that, according to the Government's report, two bills to repeal and amend Act No. 19/89 of 30 December 1989 adopting the Civil Code had been submitted to Parliament. The Committee expressed its trust that the provisions of the Civil Code that discriminated against women would be repealed in the near future and requested the Government to provide a copy of the amended Civil Code.

61. Regarding night work of women, as regulated in sections 167 and 169 of the Labour Code, the Committee asked the Government, in the context of the revision of the Code, to review those provisions critically in the light of the principle of equality of opportunity and treatment for men and women, while examining whether there was a need to adopt measures for the security and development of adequate means of transport.

62. The Committee noted the Government's indication that the draft revision of the Labour Code contained provisions prohibiting sexual harassment. The Committee expressed the hope that the draft revision would soon be adopted and that it would define and explicitly prohibit both quid pro quo and hostile work environment sexual harassment. The Committee also encouraged the Government to implement awareness-raising and preventive measures against sexual harassment, such as the distribution of leaflets and the organization of information meetings and campaigns, and to indicate the measures taken in that respect. The Committee asked the Government to provide information on activities carried out by workers' and employers' organizations to raise awareness and to provide information on sexual harassment at work.

63. The Committee requested the Government to provide information on the measures taken to implement the National Gender Equality and Equity Strategy adopted in 2010 to promote equality of opportunity and treatment between men and women with respect to education, vocational training, employment and occupation, and to repeal the discriminatory legal provisions to which it referred. The Committee also requested the Government to take the measures necessary to ensure that the existing legislation was enforced and that the difficulties faced by women in accessing resources and production factors, particularly credit and land, were remedied.

64. The Committee noted that women were underrepresented in all public service categories and that they accounted for only 30 and 35 per cent, respectively, of staff in the top two categories, A1 and A2 (as at December 2006). The Committee reiterated its request for information on the specific measures taken to promote, in practice, equality of opportunity between men and women in the public service, and particularly to increase the number of women in categories A1 and A2, for example through continuous training. It also requested the Government to continue to provide statistical data, disaggregated by sex, on the number of public servants by category.

Convention No. 182

65. In its observation in 2012, the Committee referred to its previous comments, in which it had noted that, according to the information contained in a report issued by the United Nations Children's Fund in 2006 on trafficking in human beings, in particular women and children, in West and Central Africa, a number of children, particularly girls, were victims of internal and cross-border trafficking, for the purpose of having them work as domestic servants or in the country's markets. The Committee expressed concern at the fact that the prosecutions of people presumed to be responsible for trafficking in children in Gabon did not appear to be dealt with by the national courts in good time. The Committee once again urged the Government to take the measures necessary to ensure the in-depth investigation and robust prosecution of persons who engaged in the sale and trafficking of children

under 18 years of age, in accordance with the national legislation in force, and to ensure the speedy hearing of trafficking cases in the courts.

66. Considering that children engaged as domestic workers were particularly exposed to the worst forms of child labour, the Committee urged the Government to take immediate and effective measures to protect those children from such labour, including hazardous work, and ensure their access to education, and to provide information on the specific measures adopted in that respect, taking into account the special situation of girls. The Committee encouraged the Government to ratify the Domestic Workers Convention, 2011 (No. 189), which contained key provisions for child protection.

Other conventions

67. The Government's most recent reports on Conventions Nos. 87 and 98 were received and were examined by the Committee of Experts at its session in November-December 2014.

68. The Government has been requested to submit its reports on Conventions Nos. 29, 45, 138 and 182, which are due for review by the Committee at its session in November-December 2015.

Kyrgyzstan

69. Among the relevant ILO conventions, Kyrgyzstan has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 97, 98, 103, 105, 122, 138, 142 and 182.

Comments made by the supervisory bodies of the International Labour Organization

70. The pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Convention No. 29

71. In its direct request in 2012, the Committee requested the Government to strengthen its efforts, including within the framework of the National Action Plan against Human Trafficking, to prevent, suppress and combat human trafficking and to provide information on the concrete measures taken in that regard.

Convention No. 100

72. In its direct request in 2013, the Committee noted the Government's indication that, according to the Labour Code, compensatory and incentive payments were paid in the form of increments and supplements, and that the amount was determined as a precise amount or as a rate calculated on the basis of the base pay or salary. Accordingly, the Committee asked the Government to indicate how the principle of equal remuneration was applied in practice to payments in kind and to additional payments, including bonuses and allowances.

73. The Committee recalled section 17 of the Gender Equality Act of 2003, which provided that persons of different sex with the same qualifications and conditions of

work were entitled to equal wages. Noting that the concept of work of equal value was fundamental to tackling occupational sex segregation in the labour market, the Committee therefore asked the Government to take steps to amend section 17 in order to give full legislative expression to the principle of the Convention and to indicate how the principle of equal remuneration for men and women for work of equal value was applied in practice. The Committee also requested the Government to indicate whether the Act applied equally to the public and private sectors and provide information on the measures taken or envisaged to implement the provisions of the Gender Equality Act.

74. With regard to the approval of the third national plan of action for gender equality for the period 2012-2014, the Committee also asked the Government to provide updated information on any wage policy, as well as other measures taken or envisaged, including under the plan of action, to promote and ensure the application of the principle of equal remuneration for men and women for work of equal value.

75. Recalling the Government's previous indication that wages in the public sector were determined according to the Public Employees Act and that the Government had approved a unified wage scale, the Committee again asked the Government to provide a copy of the unified wage scale in the public sector, along with statistical information on the number of public employees by occupation and position disaggregated by sex. The Committee also asked the Government to indicate how it was ensured that the principle of equal remuneration for men and women for work of equal value was applied with respect to payments in kind, as well as additional payments in the public sector.

76. Noting the establishment of a national council on women, family and gender development in December 2012, the Committee asked the Government to provide detailed information on the work of the Council with respect to the promotion and application of the principle of the Convention. It also asked the Government to provide details on the number and outcome of complaints related to equal pay submitted under the Labour Code and the Gender Equality Act.

Convention No. 103

77. In its direct request in 2013, the Committee noted the Government's succinct report, which contained no information regarding the issues raised in its previous comments. The Committee expressed the hope that the Government's next report would contain detailed information regarding the following issues:

(a) The scope of coverage of the categories of women workers under the social security legislation and the Labour Code, including home workers, domestic workers, seasonal workers, part-time workers and short-term workers (art. 1 of the Convention);

(b) The compulsory nature of postnatal leave (art. 3 (3));

(c) The legislation governing cash and medical benefits, including the rate of cash benefits and the type of medical care provided (art. 4);

(d) The payment of benefits out of social assistance funds for women workers who failed to qualify for maternity benefits under the social insurance system (art. 4 (5));

(e) The manner in which the Convention was applied in practice, including information regarding the number and the nature of inspections carried out and contraventions reported (sect. V of the report form).

Convention No. 111

78. In its direct request in 2012 (repeated in 2013), the Committee noted the prohibition of hidden gender discrimination in the Act on Gender Equality of 31 January 2003, defined as "discrimination without directly referring to a person's sex". Noting that that definition was narrower than the concept of indirect discrimination, the Committee asked the Government to indicate any steps taken or envisaged to define indirect gender discrimination more explicitly in that Act.

79. The Committee noted the definition of sexual harassment in the Act on Gender Equality (sect. 1). The Committee asked the Government to indicate the steps taken or envisaged to include in legislation a clear definition and prohibition of both quid pro quo and hostile work environment sexual harassment. It also asked the Government to indicate the measures taken to prevent and prohibit sexual harassment at the workplace by co-workers, as well as to raise awareness of employers and workers and their representatives regarding sexual harassment.

80. The Committee also asked the Government to ensure that any measures limiting women's access to employment and occupation were strictly limited to maternity protection, and to provide information on any steps taken in that regard.

81. The Committee noted that, under the Labour Code (sect. 304 (2)), female workers with children under 3 years of age were allowed to be sent on missions, or to engage in overtime work or night work only with the women's consent. Recalling that legislation reflecting the assumption that the main responsibility for family care lay with women reinforced and prolonged stereotypes regarding the roles of women and men in the family and in society, the Committee asked the Government to indicate any measures taken or envisaged to ensure that the entitlements under section 304 (2) were available to men and women on an equal footing.

82. The Committee noted that, under the Act on Gender Equality, State bodies, social organizations and other non-governmental associations would register violations of gender equality and provide information to the national council on women, the family and gender development in order to monitor the situation with regard to ensuring gender equality. It also noted that the Labour Code provided that workers claiming to have been subject to discrimination could seek redress through the courts. The Committee therefore asked the Government to provide information on the number and nature of complaints lodged, as well as summaries of the decisions of particular relevance to the principle of the Convention. It also asked the Government to provide information on remedies provided or sanctions imposed pursuant to the Act on Gender Equality.

Other conventions

83. The Government's most recent reports on Conventions Nos. 87 and 98 were received and were examined by the Committee of Experts at its session in November-December 2014.

84. The Government has been requested to submit its reports on Conventions Nos. 29, 105, 111, 138, 142 and 182, which are due for review by the Committee at its November-December 2015 session.

Maldives

85. Among the relevant ILO conventions, Maldives has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 98, 105, 138 and 182. All were ratified on 4 January 2013.

Other conventions

86. The Government has been requested to submit its first reports on Conventions Nos. 29, 87, 98, 100, 105, 111, 138 and 182 for review by the Committee of Experts at its session in November-December 2015.

Tuvalu

87. Tuvalu has ratified none of the relevant ILO conventions.